



1997 ASSEMBLY BILL 174

March 11, 1997 - Introduced by Representatives OURADA, UNDERHEIM, HANDRICK, MEYER, BRANDEMUEHL, URBAN, NOTESTEIN, DUFF, VANDER LOOP, F. LASEE, DOBYNS, CARPENTER, GRONEMUS, GOETSCH, HUBER, SPRINGER, SYKORA, ALBERS, PLOUFF, J. LEHMAN, SERATTI, OWENS, GARD, HAHN, LADWIG, KAUFERT, WIECKERT, FREESE, HASENOHRL, BLACK, GUNDERSON, OTT, OLSEN, DUEHOLM and ZUKOWSKI, cosponsored by Senators MOEN, RUDE, BRESKE, CLAUSING, ROSENZWEIG, SCHULTZ, WELCH and JAUCH. Referred to Committee on Health.

1 **AN ACT to repeal** 448.05 (5) (b); **to renumber and amend** 448.03 (1) and 448.05
2 (5) (d); **to amend** 146.81 (1) (d), 146.81 (1) (e), 146.89 (1), 155.01 (7), 252.14 (1)
3 (ar) 14., 253.07 (4) (d), 341.14 (1a), 341.14 (1e) (a), 341.14 (1m), 341.14 (1q),
4 343.51 (1), 448.01 (6), 448.01 (11), 448.02 (1), 448.02 (2), 448.03 (2) (e), 448.03
5 (3) (e), 448.04 (1) (f), 448.05 (5) (title), 448.05 (5) (a) (intro.), 448.05 (5) (a) 1.,
6 448.05 (5) (a) 2., 448.05 (5) (c), 448.20 (1), 448.20 (3) (a), 448.21 (1) (intro.),
7 448.21 (2), 450.10 (3) (a) 5., 560.184 (1) (b), 895.48 (1m) (intro.), 908.03 (6m) (a)
8 and 961.01 (19) (a); and **to create** 448.03 (1) (b), 448.03 (1) (c) and 448.21 (3)
9 of the statutes; **relating to:** regulation of physician assistants and the
10 authority of physician assistants to prescribe drugs and devices.

Analysis by the Legislative Reference Bureau

Under current law, the medical examining board (board) may certify persons who meet certain education, examination and other requirements as physician assistants. A physician assistant is defined as a person who performs patient services under the supervision and direction of a licensed physician. Only a person who holds a physician assistant certificate may call himself or herself a "physician

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assistant” or use the title “physician assistant” or any other titles, letters or designation which represents him or her as a physician assistant. While a person may, under current law, practice as a physician assistant without a certificate or license, no certified physician assistant may be self-employed, and his or her employer must assume legal responsibility for any patient care undertaken by the physician assistant during his or her employment.

In addition, under current law, a physician assistant may not prescribe drugs or medical devices. However, under rules promulgated by the board, a physician assistant may prepare a prescription order in accordance with written protocols and certain other requirements, including requirements that a supervising physician review the prescription order.

This bill makes a number of changes to current law relating to physician assistants. Among the changes the bill makes are the following:

1. The bill defines “physician assistant” as a person who provides medical care (instead of who performs patient services) with physician supervision and direction.

2. The bill provides that, with exceptions, no person may practice as a physician assistant or use prohibited titles, letters or designation unless he or she is licensed by the board as a physician assistant.

This bill permits a physician assistant licensed by the board to prescribe drugs, other than schedule I controlled substances, and prescription medical devices in accordance with guidelines established by a supervising physician and the physician assistant.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 146.81 (1) (d) of the statutes is amended to read:

2 146.81 (1) (d) A physician, physician assistant, podiatrist or physical therapist
3 licensed under ch. 448.

4 **SECTION 2.** 146.81 (1) (e) of the statutes is amended to read:

5 146.81 (1) (e) An occupational therapist, occupational therapy assistant,
6 ~~physician assistant~~ or respiratory care practitioner certified under ch. 448.

7 **SECTION 3.** 146.89 (1) of the statutes is amended to read:

8 146.89 (1) In this section, “volunteer health care provider” means an individual
9 who is licensed as a physician under ch. 448, dentist under ch. 447, registered nurse,

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1 practical nurse or nurse-midwife under ch. 441 or, optometrist under ch. 449 or
2 certified as a physician's physician assistant under ch. 448 and who receives no
3 income from the practice of that health care profession or who receives no income
4 from the practice of that health care profession when providing services at the
5 nonprofit agency specified under sub. (3).

6 **SECTION 4.** 155.01 (7) of the statutes is amended to read:

7 155.01 (7) "Health care provider" means a nurse licensed or permitted under
8 ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a
9 physician, physician assistant, podiatrist or, physical therapist licensed or a
10 physician assistant, an occupational therapist or occupational therapy assistant
11 licensed or certified under ch. 448, a person practicing Christian Science treatment,
12 an optometrist licensed under ch. 449, a psychologist licensed under ch. 455, a
13 partnership thereof, a corporation or limited liability company thereof that provides
14 health care services, an operational cooperative sickness care plan organized under
15 ss. 185.981 to 185.985 that directly provides services through salaried employes in
16 its own facility, or a home health agency, as defined in s. 50.49 (1) (a).

17 **SECTION 5.** 252.14 (1) (ar) 14. of the statutes is amended to read:

18 252.14 (1) (ar) 14. A physician assistant ~~certified~~ licensed under ch. 448.

19 **SECTION 6.** 253.07 (4) (d) of the statutes is amended to read:

20 253.07 (4) (d) For each fiscal year, \$31,500 as grants to applying family
21 planning agencies under this section for employment in communities of licensed
22 registered nurses, licensed practical nurses, certified nurse-midwives or ~~certified~~
23 licensed physician assistants who are members of a racial minority.

24 **SECTION 7.** 341.14 (1a) of the statutes is amended to read:

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1 341.14 (1a) If any resident of this state, who is registering or has registered an
2 automobile or station wagon, or a motor truck, dual purpose motor home or dual
3 purpose farm truck which has a gross weight of not more than 8,000 pounds, a farm
4 truck which has a gross weight of not more than 12,000 pounds or a motor home,
5 submits a statement once every 4 years, as determined by the department, from a
6 physician licensed to practice medicine in any state, from an advanced practice nurse
7 licensed to practice nursing in any state, from a physician assistant licensed or
8 certified to practice in any state, from a chiropractor licensed to practice chiropractic
9 in any state or from a Christian Science practitioner residing in this state and listed
10 in the Christian Science journal certifying to the department that the resident is a
11 person with a disability that limits or impairs the ability to walk, the department
12 shall procure, issue and deliver to the disabled person plates of a special design in
13 lieu of plates which ordinarily would be issued for the vehicle, and shall renew the
14 plates. The plates shall be so designed as to readily apprise law enforcement officers
15 of the fact that the vehicle is owned by a nonveteran disabled person and is entitled
16 to the parking privileges specified in s. 346.50 (2a). No charge in addition to the
17 registration fee shall be made for the issuance or renewal of such plates.

18 **SECTION 8.** 341.14 (1e) (a) of the statutes is amended to read:

19 341.14 (1e) (a) If any resident of this state, who is registering or has registered
20 a motorcycle, submits a statement once every 4 years, as determined by the
21 department, from a physician licensed to practice medicine in any state, from an
22 advanced practice nurse licensed to practice nursing in any state, from a physician
23 assistant licensed or certified to practice in any state, from a chiropractor licensed
24 to practice chiropractic in any state, from a Christian Science practitioner residing
25 in this state and listed in the Christian Science journal or from the U.S. department

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1 of veterans affairs certifying to the department that the resident is a person with a
2 disability that limits or impairs the ability to walk, the department shall procure,
3 issue and deliver to the disabled person a plate of a special design in lieu of the plate
4 which ordinarily would be issued for the motorcycle, and shall renew the plate. The
5 statement shall state whether the disability is permanent or temporary and, if
6 temporary, the opinion of the physician, advanced practice nurse, physician
7 assistant, chiropractor, practitioner or U.S. department of veterans affairs as to the
8 duration of the disability. The plate shall be so designed as to readily apprise law
9 enforcement officers of the fact that the motorcycle is owned by a disabled person and
10 is entitled to the parking privileges specified in s. 346.50 (2a). No charge in addition
11 to the registration fee may be made for the issuance or renewal of the plate.

12 **SECTION 9.** 341.14 (1m) of the statutes is amended to read:

13 341.14 **(1m)** If any licensed driver submits to the department a statement once
14 every 4 years, as determined by the department, from a physician licensed to practice
15 medicine in any state, from an advanced practice nurse licensed to practice nursing
16 in any state, from a physician assistant licensed or certified to practice in any state,
17 from a chiropractor licensed to practice chiropractic in any state or from a Christian
18 Science practitioner residing in this state and listed in the Christian Science journal
19 certifying that another person who is regularly dependent on the licensed driver for
20 transportation is a person with a disability that limits or impairs the ability to walk,
21 the department shall issue and deliver to the licensed driver plates of a special design
22 in lieu of the plates which ordinarily would be issued for the automobile or station
23 wagon, or motor truck, dual purpose motor home or dual purpose farm truck having
24 a gross weight of not more than 8,000 pounds, farm truck having a gross weight of
25 not more than 12,000 pounds or motor home, and shall renew the plates. The plates

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1 shall be so designed as to readily apprise law enforcement officers of the fact that the
2 vehicle is operated by a licensed driver on whom a disabled person is regularly
3 dependent and is entitled to the parking privileges specified in s. 346.50 (2a). No
4 charge in addition to the registration fee may be made for the issuance or renewal
5 of the plates. The plates shall conform to the plates required in sub. (1a).

6 **SECTION 10.** 341.14 (1q) of the statutes is amended to read:

7 341.14 (1q) If any employer who provides an automobile or station wagon, or
8 a motor truck, dual purpose motor home or dual purpose farm truck which has a
9 gross weight of not more than 8,000 pounds, a farm truck which has a gross weight
10 of not more than 12,000 pounds or a motor home, whether owned or leased by the
11 employer, for an employe's use submits to the department a statement once every 4
12 years, as determined by the department, from a physician licensed to practice
13 medicine in any state, from an advanced practice nurse licensed to practice nursing
14 in any state, from a physician assistant licensed or certified to practice in any state,
15 from a chiropractor licensed to practice chiropractic in any state or from a Christian
16 Science practitioner residing in this state and listed in the Christian Science journal
17 certifying that the employe is a person with a disability that limits or impairs the
18 ability to walk, the department shall issue and deliver to such employer plates of a
19 special design in lieu of the plates which ordinarily would be issued for the vehicle,
20 and shall renew the plates. The plates shall be so designed as to readily apprise law
21 enforcement officers of the fact that the vehicle is operated by a disabled person and
22 is entitled to the parking privileges specified in s. 346.50 (2a). No charge in addition
23 to the registration fee may be made for the issuance or renewal of the plates. The
24 plates shall conform to the plates required in sub. (1a).

25 **SECTION 11.** 343.51 (1) of the statutes is amended to read:

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1 343.51 (1) Any person who qualifies for registration plates of a special design
2 under s. 341.14 (1), (1a), (1m), (1q) or (1r) (a) or any other person with a disability that
3 limits or impairs the ability to walk may request from the department a special
4 identification card that will entitle any motor vehicle, other than a motorcycle,
5 parked by, or under the direction of, the person, or a motor vehicle, other than a
6 motorcycle, operated by or on behalf of the organization when used to transport such
7 a person, to parking privileges under s. 346.50 (2), (2a) and (3). The department shall
8 issue the card at a fee to be determined by the department, upon submission by the
9 applicant, if the applicant is an individual rather than an organization, of a
10 statement from a physician licensed to practice medicine in any state, from an
11 advanced practice nurse licensed to practice nursing in any state, from a physician
12 assistant licensed or certified to practice in any state, from a chiropractor licensed
13 to practice chiropractic in any state or from a Christian Science practitioner residing
14 in this state and listed in the Christian Science journal that the person is a person
15 with a disability that limits or impairs the ability to walk. The statement shall state
16 whether the disability is permanent or temporary and, if temporary, the opinion of
17 the physician, advanced practice nurse, physician assistant, chiropractor or
18 practitioner as to the duration of the disability. The department shall issue the card
19 upon application by an organization on a form prescribed by the department if the
20 department believes that the organization meets the requirements under this
21 subsection.

22 **SECTION 12.** 448.01 (6) of the statutes is amended to read:

23 448.01 (6) "Physician assistant" means an individual ~~certified~~ licensed by the
24 board to ~~perform patient services under the~~ provide medical care with physician
25 supervision and direction of a ~~licensed physician~~.

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1 **SECTION 13.** 448.01 (11) of the statutes is amended to read:

2 448.01 (11) “Unprofessional conduct” means those acts or attempted acts of
3 commission or omission defined as unprofessional conduct by the board under the
4 authority delegated to the board by s. 15.08 (5) (b) and any act by a physician,
5 physician assistant or podiatrist in violation of ch. 450 or 961.

6 **SECTION 14.** 448.02 (1) of the statutes is amended to read:

7 448.02 (1) LICENSE. The board may grant licenses, including various classes
8 of temporary licenses, to practice medicine and surgery, to practice as a physician
9 assistant and to practice podiatric medicine and surgery.

10 **SECTION 15.** 448.02 (2) of the statutes is amended to read:

11 448.02 (2) CERTIFICATE. The board may certify ~~physician assistants,~~
12 occupational therapists, occupational therapy assistants and respiratory care
13 practitioners.

14 **SECTION 16.** 448.03 (1) of the statutes is renumbered 448.03 (1) (a) and
15 amended to read:

16 448.03 (1) (a) No person may practice medicine and surgery, ~~or podiatry,~~ or
17 attempt to do so or make a representation as authorized to do so, without a license
18 to practice medicine and surgery granted by the board.

19 **SECTION 17.** 448.03 (1) (b) of the statutes is created to read:

20 448.03 (1) (b) No person may practice as a physician assistant unless he or she
21 is licensed by the board as a physician assistant.

22 **SECTION 18.** 448.03 (1) (c) of the statutes is created to read:

23 448.03 (1) (c) No person may practice podiatry, or attempt to do so or make a
24 representation as authorized to do so, without a license to practice podiatry granted
25 by the board.

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1 **SECTION 19.** 448.03 (2) (e) of the statutes is amended to read:

2 448.03 **(2)** (e) Any person other than a physician assistant who is providing
3 patient services as directed, supervised and inspected by a physician or podiatrist
4 who has the power to direct, decide and oversee the implementation of the patient
5 services rendered.

6 **SECTION 20.** 448.03 (3) (e) of the statutes is amended to read:

7 448.03 **(3)** (e) No person may designate himself or herself as a “physician
8 assistant” or use or assume the title “physician assistant” or append to the person’s
9 name the words or letters “physician assistant” or “P.A.” or any other titles, letters
10 or designation which represents or may tend to represent the person as a physician
11 assistant unless ~~certified~~ he or she is licensed as a physician assistant by the board.

12 **SECTION 21.** 448.04 (1) (f) of the statutes is amended to read:

13 448.04 **(1)** (f) (title) ~~Certificate as physician~~ Physician assistant license. The
14 board shall ~~certify~~ license as a physician assistant an individual who meets the
15 requirements for ~~certification~~ licensure under s. 448.05 (5). The board may, by rule,
16 provide for various classes of temporary ~~certificates~~ licenses to practice as physician
17 assistants.

18 **SECTION 22.** 448.05 (5) (title) of the statutes is amended to read:

19 448.05 **(5)** (title) ~~CERTIFICATE AS A PHYSICIAN~~ PHYSICIAN ASSISTANT LICENSE.

20 **SECTION 23.** 448.05 (5) (a) (intro.) of the statutes is amended to read:

21 448.05 **(5)** (a) (intro.) The board shall promulgate rules establishing
22 ~~certification~~ licensing standards and practice standards for physician assistants and
23 shall ~~certify~~ license persons under those rules. The board may not grant a ~~certificate~~
24 license as a physician assistant to an applicant unless the applicant submits
25 evidence satisfactory to the board of all of the following:

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1 **SECTION 24.** 448.05 (5) (a) 1. of the statutes is amended to read:

2 448.05 (5) (a) 1. That the applicant ~~is certified to assist primary care physicians~~
3 ~~has passed the certifying examination administered by the national commission on~~
4 ~~certification of physician assistants~~ National Commission on Certification of
5 Physician Assistants.

6 **SECTION 25.** 448.05 (5) (a) 2. of the statutes is amended to read:

7 448.05 (5) (a) 2. That the applicant has satisfactorily completed a physician
8 assistant ~~or surgeon assistant~~ training program that is ~~certified under par. (b)~~
9 ~~accredited by the American Medical Association's Committee on Allied Health~~
10 Education and Accreditation or its successor.

11 **SECTION 26.** 448.05 (5) (b) of the statutes is repealed.

12 **SECTION 27.** 448.05 (5) (c) of the statutes is amended to read:

13 448.05 (5) (c) In promulgating rules under ~~pars. par. (a) and (b)~~, the board shall
14 recognize the objective under s. 448.20 (4).

15 **SECTION 28.** 448.05 (5) (d) of the statutes is renumbered 448.03 (2) (k) and
16 amended to read:

17 448.03 (2) (k) ~~Nothing in this subsection shall be construed as requiring~~
18 ~~certification under this subsection of other~~ Any persons other than physician
19 assistants who assist physicians.

20 **SECTION 29.** 448.20 (1) of the statutes is amended to read:

21 448.20 (1) (title) ~~RECOMMEND CERTIFICATION LICENSING AND PRACTICE STANDARDS.~~
22 ~~Within 3 months after the selection of all its initial members, the~~ The council on
23 physician assistants shall develop and recommend to the examining board
24 certification licensing and practice standards for physician assistants. In developing
25 the standards, the council shall consider the following factors: an individual's

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1 training, wherever given; experience, however acquired, including experience
2 obtained in a hospital, a physician's office, the armed services or the federal health
3 service of the United States, or their equivalent as found by the examining board; and
4 education, including that offered by a medical school and the technical college system
5 board.

6 **SECTION 30.** 448.20 (3) (a) of the statutes is amended to read:

7 448.20 (3) (a) Revising physician assistant ~~certification~~ licensing and practice
8 standards and on matters pertaining to the education, training and ~~certification~~
9 licensing of physician assistants.

10 **SECTION 31.** 448.21 (1) (intro.) of the statutes is amended to read:

11 448.21 (1) PROHIBITED PRACTICES. (intro.) No physician assistant may ~~perform~~
12 ~~patient services~~ provide medical care, except routine screening, in:

13 **SECTION 32.** 448.21 (2) of the statutes is amended to read:

14 448.21 (2) EMPLOYE STATUS. No physician assistant may be self-employed. The
15 employer of a physician assistant shall assume legal responsibility for any ~~patient~~
16 medical care ~~undertaken~~ provided by the physician assistant during the
17 employment. The employer of a physician assistant, if other than a licensed
18 physician, shall provide for and not interfere with supervision of the physician
19 assistant by a licensed physician.

20 **SECTION 33.** 448.21 (3) of the statutes is created to read:

21 448.21 (3) PRESCRIPTIVE AUTHORITY. A physician assistant may issue a
22 prescription order for a drug or device in accordance with guidelines established by
23 a supervising physician and the physician assistant.

24 **SECTION 34.** 450.10 (3) (a) 5. of the statutes is amended to read:

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1 450.10 (3) (a) 5. A physician, physician assistant, podiatrist ~~or~~, physical
2 therapist ~~licensed or~~, occupational therapist or occupational therapy assistant
3 licensed or certified under ch. 448.

4 **SECTION 35.** 560.184 (1) (b) of the statutes is amended to read:

5 560.184 (1) (b) "Health care provider" means a ~~physician's~~ physician assistant,
6 nurse-midwife or nurse practitioner.

7 **SECTION 36.** 895.48 (1m) (intro.) of the statutes is amended to read:

8 895.48 (1m) (intro.) Any physician licensed under ch. 448, chiropractor
9 licensed under ch. 446, dentist licensed under ch. 447, emergency medical technician
10 licensed under s. 146.50, physician assistant ~~certified~~ licensed under ch. 448 or
11 registered nurse licensed under ch. 441 who renders voluntary health care to a
12 participant in an athletic event or contest sponsored by a nonprofit corporation, as
13 defined in s. 46.93 (1m) (c), a private school, as defined in s. 115.001 (3r), a public
14 agency, as defined in s. 46.93 (1m) (e), or a school, as defined in s. 609.655 (1) (c), is
15 immune from civil liability for his or her acts or omissions in rendering that care if
16 all of the following conditions exist:

17 **SECTION 37.** 908.03 (6m) (a) of the statutes is amended to read:

18 908.03 (6m) (a) *Definition.* In this subsection, "health care provider" means
19 a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a physician
20 assistant ~~certified~~ licensed under ch. 448 or a health care provider as defined in s.
21 655.001 (8).

22 **SECTION 38.** 961.01 (19) (a) of the statutes is amended to read:

23 961.01 (19) (a) A physician, advanced practice nurse, dentist, veterinarian,
24 podiatrist, optometrist, scientific investigator or, subject to s. 448.21 (3), a physician
25 assistant, or other person licensed, registered, certified or otherwise permitted to

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1 distribute, dispense, conduct research with respect to, administer or use in teaching
2 or chemical analysis a controlled substance in the course of professional practice or
3 research in this state.

4 **SECTION 39. Effective date.**

5 (1) This act takes effect on the first day of the 10th month beginning after
6 publication.

7 (END)